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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,801

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Diane L. Olson

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12/31/2008

GRACO MINNESOTA INC
PO BOX 1441
MINNEAPOLIS, MN 55440

EXAMINER

KIM, CHRISTOPHER S

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

12/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,801	Applicant(s) OLSON ET AL.	
	Examiner Christopher S. Kim	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/28/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response filed on October 16, 2008 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 2 recites "said valve comprising a member mounted over said needle for occluding said air passage" in line 3. Claim interpretation requires a reading where "said needle" refers to the "needle" recited in claim 1 line 3. The disclosure, as originally filed, fails to teach a member mounted over the needle of the air valve.

5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said diameter" in line 6. It is uncertain whether it is referencing the "tapered diameter" recited in line 3 or the "tapered in diameter" recited in line 5.

Claim 2 recites the limitation "said valve" in line 3. It is uncertain whether it is referencing the "air valve" recited in claim 1, line 2 or the "air shutoff valve" recited in claim 2, line 2.

Claim Rejections - 35 USC § 102

6. Claims 1, 5, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McRitchie (3,236,459).

Regarding claim 1, McRitchie discloses a spray gun comprising:

a body 10;

an air valve 304;

an air passage 314;

said air valve 304 comprising:

a needle 306 having a tapered diameter (diameter of tip of portion 306), a seating surface (surface of portion 306) and threadedly located (threads of 304) in said body 10;

a seat having a seating surface (conical end of passage 314) tapered in diameter, said needle and seat seating surfaces having lengths (circumferential lengths) at least as great as about said diameter.

Regarding claim 1, McRitchie discloses the spray gun further comprising:

- a needle 62, 228 having an air passage 64, 240;
- a multi-hole air cap 252, 270.

Regarding claim 5, McRitchie discloses a spray gun comprising:

- a body 10;
- an air valve 62;
- an air passage 64;
- said air valve 62 comprising:
 - a needle 136, 62 having a tapered diameter (diameter of frusto-conical section of valve 136), a seating surface (surface of frusto-conical section of valve 136) and threadedly (via threads 140) located in said body 10;
 - a seat 132 having a seating surface (surface of seat 132) tapered in diameter, said needle 136, 62 and seat 132 seating surfaces (surface of frusto-conical section of valve 136 and surface of seat 132) having lengths (circumferential lengths) at least as great as about said diameter;
 - a gun head 194 rotatably attached to said body 10 (column 7, lines 28-65; see figures 7 and 11).

Regarding claims 6 and 7, McRitchie discloses the spray gun further comprising:

- the body 10 having:

a first port 16;
a second port 38;
an internal flow director 68.

7. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Stern et al. (4,411,387).

Stern discloses a spray gun comprising:

a body 12;
an air valve 68;
an air passage 64;
said air valve 68 comprising:

a needle having a tapered diameter (diameter of tapered tip 70), a seating surface (surface of tip 70) and threadedly located 72 in said body 12;

a seat 166 having a seating surface (tapered surface of seat 166) tapered in diameter, said needle 64 and seat 166 seating surfaces having lengths (circumferential lengths) at least as great as about said diameter;

a molded flexible polymer one-way valve 152 (column 11, lines 57-61)

8. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Beall, Jr. (3,658,255).

Beall, Jr. discloses a spray gun comprising:

a body 11;
an air valve 51;
an air passage 31;

said air valve 51 comprising:

a needle having a tapered diameter (diameter downstream of shoulder 39), a seating surface 56a and threadedly located (by engagement of threads 37 and compression of spring 58) in said body 11;

a seat having a seating surface (tapered downstream surface of 37) tapered in diameter, said needle and seat seating surfaces having lengths (circumferential lengths) at least as great as about said diameter;

said body being molded as a one piece plastic piece (column 2, line 15-20);

two protrusions 22;

a molded trigger stop 14a, 26.

Claim Rejections - 35 USC § 102/103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McRitchie (3,236,459).

Regarding claim 2, McRitchie discloses the spray gun further comprising:

a fluid needle 62, 228;

an air shutoff valve 68, 186;

said air shutoff valve 304 comprising:

a member 68 mounted over said needle 62 for occluding said air passage 314

Even if applicant argues that plug 90 and passages 186 are shown in the embodiment of figure 8 and not in the embodiment of figure 12, It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the plug 90 and passages 186 to the embodiment of figure 12 to prevent air flow until trigger 78 is depressed. Note that the embodiment of figure 12 already shows ring 68 that blocks passages 186 when the trigger 78 is not depressed.

Response to Arguments

11. Applicant's arguments filed October 16, 2008 have been fully considered but they are not persuasive.

Applicant argues that claim 1 has been amended to recite that the needle and seat are both tapered. See reading of claims on the prior art above that specifically identifies the taper in the prior art.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. Kim/
Primary Examiner, Art Unit 3752

CK